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SUMMARY RECORD OF THE 63rd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 15 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

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GE.97-12313 (E)

The meeting was called to order at 10.45 a.m.

STATEMENT BY MR. NGOMO MBENGONO, DEPUTY PRIME MINISTER OF EQUATORIAL GUINEA

1. Mr. NGOMO MBENGONO (Equatorial Guinea) said that human rights were one of his Government's priorities. The Government had always cooperated extensively with the Special Rapporteur on the human rights situation in Equatorial Guinea, who had been able to carry out his mission in complete freedom. Prisoners were not subjected to corporal punishment and their situation had improved thanks to the increased economic resources of the country. The Special Rapporteur had noted with satisfaction that there were no political prisoners in Equatorial Guinea.

2. His Government had moved to the stage of consolidating democracy, and all political parties could express themselves freely. The Special Rapporteur had recognized the Government's willingness to promote the enjoyment of human rights, a willingness which had permitted the adoption of the habeas corpus act, among others.

3. Equatorial Guinea recognized the interdependence between democracy, development and human rights. The improved economic and social situation, a result of the Government's efforts, particularly in encouraging investment and privatizing State enterprises, had made progress possible in the human rights situation.

4. His country's apprenticeship in democracy was highly successful, especially as it did not have to deal with the social and individual problems occurring elsewhere, which showed how mature the population was. The international community could but welcome that development, especially as it had been made possible by the advisory services and technical assistance provided by the Special Rapporteur and the Centre for Human Rights.

5. His Government was very grateful to the Special Rapporteur for the dedication with which he had fulfilled his task despite the successive reductions in the Organization's budget and asked that his mandate should be extended for one year, after which a human rights adviser could be appointed to help the Government strengthen national capacities for the protection and promotion of human rights. The human rights situation in Equatorial Guinea should be considered at the fifty-fourth session of the Commission under agenda item 18, on advisory services in the field of human rights.

DRAFTING OF A DECLARATION ON THE RIGHT AND RESPONSIBILITY OF INDIVIDUALS, GROUPS AND ORGANS OF SOCIETY TO PROMOTE AND PROTECT UNIVERSALLY RECOGNIZED HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (agenda item 20) (continued) (E/CN.4/1997/92; E/CN.4/1997/NGO/13)

6. Mr. HELGESEN (Chairman-Rapporteur of the Working Group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms), introducing the report of the Working Group (E/CN.4/1997/92), recalled that under the mandate entrusted to it in 1996, the Working Group should "continue [its] efforts to prepare a consolidated and refined text in the form of a working paper, in the light of past

deliberations, for consideration at a future session of the Working Group, and to this end to communicate with States, intergovernmental and non-governmental organizations ..." (E/CN.4/1996/97, para. 93).

7. The consolidated text of the draft declaration appearing in annex I of the report (E/CN.4/1997/92) had been prepared on the basis of several meetings held by the Chairman-Rapporteur with representatives of States, intergovernmental organizations and non-governmental organizations (NGOs). The Working Group had considered it at its twelfth session, held from 24 to 28 February and on 21 March 1997, but had been unable to adopt it. Due to lack of time, it had been unable to consider in depth the four outstanding issues from its previous session, which were: the right to attend and observe court proceedings; financing of the activities of human rights defenders; the role of domestic legislation; and "duties towards society".

8. The representative of Germany, supported by the representatives of Canada, India and Cuba, had therefore proposed that in order to reach a consensus, the Chairman-Rapporteur should again be asked to hold informal consultations during the period prior to the next session of the Working Group in order to prepare a revised consolidated text of the draft declaration. The representative of India had also proposed that the Working Group should be authorized to meet for 8 to 10 days in 1998 in order to complete its work.

9. The Chairman-Rapporteur of the Working Group would do everything possible to meet that objective. In so doing, he would need the support of all members of the Working Group, who would undoubtedly continue to cooperate as constructively as they had in the past. He called on all delegations to show flexibility. Consensus meant concessions by all parties, insofar as the declaration should not represent backsliding vis-à-vis existing international standards.

10. Mr. SALINAS RIVERA (Chile) said that NGOs and individuals who devoted their lives to the defence of human rights, by exercising their right to freedom of expression and opinion, contributed greatly to the establishment or consolidation of democracy and a truly constitutional State which did not fear constructive criticism from citizens and various sectors of civil society. The rights of those human rights defenders should therefore be protected and all human rights protection bodies and mechanisms should consider the situation of those persons within the context of their respective mandates. His Government was firmly convinced of the need to adopt a declaration that clearly enumerated their rights and recognized the value of their actions.

11. He was seriously concerned by the slow progress of the Working Group in preparing the draft text. It would make every effort to see that the Group concluded its work in 1998, the fiftieth anniversary of the Universal Declaration of Human Rights, with the adoption of a draft declaration that truly protected the rights of human rights defenders.

12. Mrs. FAESTE (Norway) said that in the Universal Declaration, the International Human Rights Covenants and the Vienna Declaration, States had committed themselves to promoting universal respect for and protection of all human rights and fundamental freedoms. It was in that context that the States participating in the Working Group were now preparing the draft declaration.

13. States must regularly be reminded of their international obligations and must be provided with facts. That was where human rights defenders were indispensable. They were committed individuals, groups and NGOs striving for the promotion and protection of human rights and fundamental freedoms. Lawyers, journalists and trade union leaders often took great personal risks in struggling to promote respect for human rights and fundamental freedoms. That was why an instrument of effective protection was needed.

14. The purpose of the declaration was to clarify and reinforce rights already recognized in existing international instruments. Such a declaration should be seen as a charter for human rights defenders the world over. Her Government attached the greatest importance to the deliberations of the Working Group and considered it high time for the exercise to be brought to an end, as it had been under way for 12 years. The Commission should take a decision at its fifty-fourth session on the final draft as part of the celebrations for the fiftieth anniversary of the Universal Declaration.

15. Mrs. POTTER (Observer for Switzerland) commended the members of NGOs who, sometimes putting their own lives at risk, reported human rights violations committed throughout the world. Human rights defenders, who were the salt of democracy, also played an important role in human rights education.

16. Switzerland found the compromise text prepared by the Chairman-Rapporteur of the Working Group to be acceptable and called on all States participating in the Working Group in 1998 to reach a consensus on the four outstanding issues, without however weakening the scope of existing international obligations and commitments in the field of human rights.

17. By adopting the draft declaration during the very year that the fiftieth anniversary of the Universal Declaration of Human Rights would be celebrated, the international community would show that it was truly resolved to serve the cause of human rights. It was unacceptable that the draft might not see the light of day because of opposition from a very small number of countries.

18. Mr. CONROY (Australia) said he was disappointed the Working Group had been unable to complete its work at its twelfth session and hoped that the 1998 session would be the last and that the draft declaration would be put forward for adoption at the fifty-fourth session of the Commission.

19. The Group's objective was to produce a document that provided protection for all human rights defenders and that underlined the legitimacy of their work and allowed them to perform their invaluable work in human rights education, assisting victims of human rights abuses and raising public awareness. For that reason, the declaration must contain certain elements as a minimum. Australia would have preferred to see some aspects of the consolidated text prepared by the Chairman of the Working Group (E/CN.4/1997/92, annex I) strengthened. However, in a spirit of compromise, it was willing to support the present text, as it represented an attempt to take the interests of all delegations into account.

20. There were four issues on which substantial progress had been made during the twelfth session but which remained outstanding. Australia could accept the consolidated text without change on the understanding that those issues would be satisfactorily resolved in a way that allowed human rights defenders to carry out their field operations effectively. In particular, there could be no derogation from existing international human rights standards, nor subjection of human rights defenders to laws or duties that limited their internationally recognized rights.

21. If the international community sincerely wished to adopt a declaration that provided protection for human rights defenders everywhere, the Working Group must complete its work at its next session. Australia would therefore support a further session of a week or less and would prefer that it be held in late 1997 or early 1998 so as to allow time for a finalized text to be submitted to the Commission at its fifty-fourth session. That text could then be forwarded to the General Assembly and could be adopted as part of the fiftieth anniversary celebrations of the Universal Declaration. That would be the best way to express gratitude to human rights defenders, who often risked their lives and fundamental rights so that others in their communities could enjoy theirs.

22. Mr. CARRILLO SUAREZ (International Federation of Human Rights), speaking on behalf of 16 NGOs,* said that the Special Rapporteur on extrajudicial, summary or arbitrary executions had recalled in his latest report (E/CN.4/1997/60) that human rights defenders were the victims of an alarming number of death threats and violations of the right to life, citing the tragic example of Josué Giraldo Cardona, assassinated in Colombia on 13 October 1996.

23. For 12 years, the Commission had endeavoured to draft a declaration on the rights and responsibilities of individuals, groups and organs that promoted and protected universally recognized human rights and fundamental freedoms, which was today absolutely crucial to all human rights defenders, and in particular those working "in the field". The text would not create new rights for a new category of persons; it would merely reaffirm the rights already recognized in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

24. Again in 1997, the Working Group had been unable to submit a final text to the Commission, even though previously reticent delegations had adopted a more constructive approach. He praised the remarkable work done by the Chairman-Rapporteur, who had been able to achieve consensus on wording for many of the points under discussion. The consolidated text submitted in 1997

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* Amnesty International, Andean Commission of Jurists, Association pour la prévention de la torture, Baha'i International Community, Federación de asociaciones de defensa y promoción de los derechos humanos, International Federation of ACAT, International Federation of Human Rights, Human Rights Internet, Human Rights Watch, International Commission of Jurists, International Movement Against All Forms of Discrimination and Racism, International Service for Human Rights, Lawyers Committee for Human Rights, Ligue internationale pour les droits et la libération des peuples (CIDLIP), Pax Christi and Transnational Radical Party.

was a strict minimum, and hopefully it would be improved in the next few months. He called on the Commission to renew the Group's mandate and authorize it to hold a longer session in 1998 so as to draw up a final text for submission to the Commission at its fifty-fourth session.

25. Taking into account the dramatic situation facing human rights defenders in a large number of countries, he renewed the call made to the Commission at its previous session to adopt a resolution that included (a) the establishment of a mechanism to examine the situation of human rights defenders, with a mandate to receive information from all possible sources, to intervene with Governments, to formulate recommendations and to report to the Commission at its next session; (b) the systematic inclusion in all reports of the special procedures, whether country or thematic, of a chapter on human rights defenders - and it was also desirable that the question of the protection of human rights defenders should be part of the agenda of visits to the field; and (c) any other measure likely to ensure that human rights defenders were guaranteed the rights and freedoms to which they were already entitled under existing international standards.

26. He expected that the next High Commissioner for Human Rights would lend his active support to the draft declaration so that the rights to be protected by it would become a reality and that he would systematically raise the issue of the protection of human rights defenders during his meetings with Governments.

27. Mr. SOTTAS (World Organization against Torture) said that, according to the compilation - published by his organization at the fifty-second session of the Commission - of the urgent actions taken between 1992 and 1996 on behalf of several hundred human rights defenders, more than half of those concerned had died following torture or had been summarily executed, in 49 countries.

28. He thanked those States that had sent information and comments to his organization on the cases raised, in particular Algeria, Argentina, Brazil, Chile, Colombia, El Salvador, Honduras, Israel, Mexico, Sudan and Tunisia. Their replies were summarized in a report the organization had just published, which also reviewed new cases reported in 1996-1997 and cases, of which there were unfortunately too few, that had been resolved thanks to international cooperation. The 30 or so States that had not provided details on cases submitted to them should send any pertinent information promptly to the United Nations Secretariat. The report listed cases in four countries that had not appeared on the previous list, namely, Bolivia, Ecuador, Jordan and Palestine. He had distributed 20 copies of the report which served as an annex to his statement.

29. As the representative of the International Federation of Human Rights had just pointed out, human rights defenders had become the favourite target of many Governments. In some countries, the authorities did not act directly, leaving the dirty work to paramilitary movements, to whom they portrayed human rights defenders as the obvious allies of terrorists and the underworld.

30. Under the circumstances, the Commission must take all necessary action so that the many individuals participating as representatives of various NGOs at the current session would not suffer the same fate as Josué Giraldo Cardona, who, just a year earlier, had called on the Commission to set up the mechanisms required to cope with the serious crisis in his country.

31. The defence of human rights and action to combat impunity were the best ways to ensure full respect for human rights in all countries subject to State, para-State or terrorist violence. But the fact that for several years the Commission had been unable to set up effective mechanisms to protect human rights defenders or to create forums capable of punishing those who threatened their lives and their rights was a major obstacle to the promotion of human rights throughout the world.

32. Mr. PUERTO (France Libertés - Fondation Danielle Mitterand) regretted that some States were hindering the preparation of a draft declaration that would proclaim minimum guarantees for human rights defenders under the international instruments for the protection of human rights.

33. At the previous session of the Commission, a member of the delegation of Colombian NGOs, Josué Giraldo Cardona, had deplored the fact that Colombia did not give human rights defenders the guarantees necessary for them to do their work. He had been assassinated on 13 October 1996. In March 1997, Nazareno de Jesús Rivera and Victor Julio Garzón had also been murdered, and Jaime Ortiz Londoño had disappeared following his arrest. The month before that, the three of them had signed the joint declaration submitted to the Commission by the Colombian NGOs.

34. Colombia was one of the States where human rights defenders ran the greatest risks. The major media labelled them as stateless persons, henchmen of the guerrillas and enemies of the armed forces. It was therefore not surprising that they had then been murdered or had disappeared or been forced into exile. In November 1996, General Manuel José Bonett Locarno had implied that the criticism pronounced by the international community was part of a smear campaign directed against the armed forces by a foreign-based drug-trafficking network. On 20 March 1997, the Commander of the Armed Forces, General Harold Bedoya Pizarro, speaking before the Human Rights Commission of the Colombian Senate, had called the director of the Colombian Commission of Jurists and eminent human rights defender, Mr. Gustavo Gallón Giraldo, a rebel and drug trafficker. Fearing for Mr. Gallón's life, the Colombian NGOs had asked the Inter-American Commission on Human Rights to take steps to protect him.

35. Mrs. ABELLA (Women's International Democratic Federation (WIDF)) paid tribute to the memory of the human rights defenders who had been murdered in Colombia by paramilitary groups or the army since Ernesto Samper Pizano assumed the presidency on 7 August 1994. They were Manuel Cepeda Vargas (9 August 1994), Jairo Barahona Martínez (29 September 1994), Hermes Rendón Ochoa (23 October 1994), Ernesto Emilio Fernández Fetzer (20 February 1995), Francisco Javier Barriga Vergel (16 June 1995), Josué Giraldo Cardona (13 October 1996), Víctor Julio Garzón (7 March 1997), Nazareno de Jesús Rivera (9 March 1997) and Margarita Guzmán Restrepo (24 March 1997).

36. In January 1997, five human rights defenders or trade union leaders - Ana Rengifo, Martha Zapata, Gerardo Nieto Yantén, Eugenio Córdoba and Ramón Osorio - had been arrested and charged with rebellion and other offences. Released on 5 February, they had been publicly accused by an army general of carrying out an attack that had cost the lives of 10 persons. Their life and liberty were under serious threat.

37. On 24 February 1997, the Corporación Regional para la Defensa de los Derechos Humanos, seven of whose members had already been murdered, filed a complaint with regard to the death threats received by several of its members - Marco Tulio Torres, Gabriel Torres Noguera, Regulo Madero, José Guillermo Larios and Pablo Javier Arenales - from paramilitary groups. On 23 March 1997, all the human rights defenders of the department of Antioquía had received death threats written on leaflets probably distributed by paramilitary groups.

38. In Colombia, all those struggling for truth, justice and democracy, whether they were human rights defenders or members of the political opposition, risked death. Her organization hoped that, at subsequent sessions, the Commission would not have to add to the list of murdered persons the names of human rights defenders currently under threat.

39. Mrs. REINA (Latin American Federation of Associations of Relatives of Disappeared Detainees (FEDEFAM)) said that her organization, like the Special Rapporteur on extrajudicial, summary or arbitrary executions, was calling for the urgent adoption of the measures necessary at the global, regional and national levels effectively to protect human rights defenders. She recalled that Josué Giraldo, president of the Human Rights Committee of Meta, had been murdered in Colombia on 13 October 1996, despite the appeals made by the international community that his life and the lives of other members of the Committee should be protected and despite the various steps taken by the Special Rapporteur.

40. Because human rights defenders complained to the international community of human rights violations committed by the Colombian State, the armed forces called them idiots who were playing the game of the guerrillas, going so far as to accuse them of being guerrilleros or drug traffickers, for which they could be liable for prosecution.

41. She cited other cases of disappearances and murders in Colombia, including the murder of 10 peasants whom the authorities had presented as guerrilleros killed in combat. The media repeated such statements without any verification, thereby covering up extrajudicial executions, massacres and other crimes against humanity. She recalled the death threats made by paramilitary groups against three members of a Franciscan community in the department of Bolivar who had denounced human rights violations committed against peasants by the security forces allied with paramilitary groups. The president of FEDEFAM, Mrs. Bautista, had herself been harassed because of her activities, and a Colombian association affiliated with the Federation had had to close one of its chapters because its members had received death threats.

42. Governments, particularly that of Colombia, should understand that they must protect human rights defenders and could not feign democracy where power was being exercised and maintained through terror.

43. Mr. MARTINEZ (Cuba), speaking in exercise of the right of reply, noted that at the previous meeting the representative of the Netherlands, speaking on behalf of the European Union, associated countries of central and eastern Europe and Cyprus, had referred selectively to cases of persons detained in various parts of the world other than Europe, notably Cuba. There was no reason for that type of reference within the framework of consideration of the report of the Working Group responsible for drafting the declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms. It could only increase the polemics and damage the spirit of understanding that should prevail in the activities of the Working Group. It was not the first time that the discussions had been unduly politicized. His delegation would condemn such statements every time they were made so as to point up the responsibilities of those who took such an attitude.

44. Mr. ALI (Malaysia), speaking in exercise of the right of reply, said that at the 62nd meeting the representative of the United States, who was none other than John Shattuck, Assistant Secretary of State, had mentioned the case of Mr. Harrison Ngau, a member of the Malaysian organization Friends of the Earth Society, whom he had presented as being opposed to the logging industry on Sarawak, which allegedly threatened the way of life of several hundred indigenous persons. After his release, Mr. Ngau had reportedly been kept under house arrest for two years. That affair, which dated back 10 years, had been settled long ago, and those statements were therefore surprising at the very least. Since his release, Mr. Ngau had been participating fully in the country's political life and had held a seat in Parliament for several years. He had even taken part in 1996 in a session of the Working Group drafting a declaration on the rights of indigenous peoples. It was regrettable that such a highly placed member of the United States Government had seen fit to revive that case and suggest that Malaysia was violating human rights.

45. The CHAIRMAN said that the Commission had concluded its general debate on agenda item 20.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 12) (E/CN.4/1997/66 and E/CN.4/1997/67)

46. Mr. KUTUKDJIAN (United Nations Educational, Scientific and Cultural Organization (UNESCO)) summarized the stages in the preparation in 1994 of a universal declaration on the human genome. The draft had been prepared by the International Bioethics Committee of UNESCO with the assistance of its Legal Commission, which had found it preferable to draft a declaratory instrument rather than a convention. The Committee, comprising 60 eminent persons from all over the world, had considered the opinions of over 200 specialists and experts from the scientific and legal communities as well as international (United Nations and its specialized agencies, for example) and national

bodies. With the current burgeoning of research on the human genome and the applications arising from it, a standard-setting framework was urgently needed to ensure that such research and applications developed in a harmonious way that showed regard for human rights.

47. Freedom of research was recognized in the International Covenant on Economic, Social and Cultural Rights as well as in UNESCO's Recommendation on the Status of Scientific Researchers, adopted in 1974. However, that freedom could not be absolute and should not result in the violation of the respect for human dignity from which it derived its legitimacy, which would be true, for instance, of research aimed at creating human and animal hybrids or at human cloning.

48. The principle of solidarity also derived from the dignity of individuals. Human beings should express their solidarity with those who were exposed to, or risked being exposed to, genetic disabilities or diseases, as well as towards the least affluent countries, which should not be excluded from the benefits of genetic research or denied access to its therapeutic applications. At the national level, States should ensure that persons suffering from genetic disabilities or diseases received appropriate assistance enabling them to live in decent conditions. Progress in genetic research and applications, particularly with regard to the screening and prenatal diagnosis of diseases and disabilities, could in fact lead to a reconsideration of programmes of assistance to persons.

49. UNESCO expected the future universal declaration on the human genome and human rights to become a reference text. It would have a major bearing, for it would be the first international text to deal with the question of human dignity and the problems posed by advances in science. The International Bioethics Committee was prepared to communicate to the Commission, on an ad hoc basis, information on its activities in connection with respect for human rights, especially within the framework of the future declaration.

50. Mr. ALDOURI (Iraq) said that the reason for including an agenda item on human rights and scientific and technological developments was to ensure that the human being benefited from scientific developments and to eliminate the harmful impacts resulting from such developments. Unfortunately, some developed countries, which considered themselves the champions of human rights worldwide, sought to employ their scientific and technological superiority to intimidate other countries, regardless of the devastating impact of their policy on human life.

51. The people of Iraq had been the victims of grave violations of human rights during the military aggression launched by the coalition countries in January 1991. In a letter dated 6 September 1994 addressed to a member of the British Parliament, Malcolm Rifkind, British Foreign Minister and former Defence Minister, had confessed that the British and American armed forces had used depleted uranium shells to enhance the coalition forces' capabilities. Le Monde diplomatique had reported on 10 April 1995 that according to the Chairman of Washington's National Security Institute, the total weight of depleted uranium dropped on Iraq and Kuwait had exceeded 30 tonnes. Earlier, research conducted by three American experts belonging respectively to the Rural Alliance for Military Accountability, the Progressive Alliance for

Community Empowerment and Citizen Alert had confirmed that the first time such a weapon had ever been used was during the Gulf war; that an untold number of Iraqi soldiers had been killed either directly by depleted uranium shells or by nuclear radiation; and that about 50,000 Iraqi children had died in the first eight months of 1991 as a result of unknown diseases brought about by the use of depleted uranium weapons.

52. During the years that followed, horrifying facts had been unveiled regarding the impact on environment and population of the use of radioactive weapons, especially those made from depleted uranium. He drew the Commission's attention to a study presented by Iraq to the forty-eighth session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1996/32). At that session, the Sub-Commission had adopted resolution 1996/16 in which it had requested the Secretary-General to collect information from Governments, the competent United Nations bodies and agencies and NGOs on the use of weaponry containing depleted uranium and on its impact. In its further efforts to uncover facts on the use of such weapons against the Iraqi people, his Government had submitted a comprehensive study supported by tables and statistics to the present session of the Commission.

53. Iraq held the States that had used the depleted uranium responsible on the legal and humanitarian levels for the damage caused to the environment and the suffering inflicted on the Iraqi population, especially as the effects of those weapons would be felt for a long time to come. It called on the Commission to shoulder its responsibilities and consider the impact left by that pattern of grave violations of human rights on the Iraqi people.

54. Mr. PERERA (World Federation of United Nations Associations) said that scientific and technological developments had potentially adverse consequences for almost all the rights set forth in the Universal Declaration of Human Rights. For decades, the values stated in the Declaration had been trodden underfoot in the name of compelling ideologies or religious fundamentalism. Scientific and technological developments were being used as instruments of power, control, manipulation and destruction, but methods of controlling them, be they legal or otherwise, had not kept pace.

55. The organizers of the yearly and fully legal arms exhibitions were clearly not concerned about the inherent right to life of every human being. Medical science had made vast strides, but the ability to heal had unfortunately brought with it the ability to interfere with the processes of creation, maintenance and termination of human life. Techniques for tinkering with the human body and mind ran counter to articles 1, 5, 6, 18 and 29 of the Universal Declaration.

56. Article 11 of the Declaration, according to which everyone was presumed innocent until proven guilty, was called into question because in some cases all the prosecution had to do was produce its machine evidence and shift the burden on to the defendant to prove his or her innocence.

57. It had become difficult to protect the right to privacy (art. 12) due to the availability of very sophisticated technology for invading privacy, which could have serious consequences on freedom of association and expression (arts. 20 and 21). The right to work (art. 23) looked like an anachronism with the considerable number of persons being laid off as a result of automation and the microchip.

58. The extensive abuse of the Internet to promote xenophobia and racial violence, among other evils, tore to shreds the entire Declaration.

59. The issues were too numerous, too complex and far too urgent to depend on resolutions. Unless an international conference, well prepared at the national and regional levels, was held on those issues and relevant programmes of action universally implemented, the abuse of advances made in science and technology could outstrip the Universal Declaration, leaving it a dead letter.

60. Mr. DESPINOY (United Towns Agency for North-South Cooperation) said that Rabelais's words that "science without conscience is nothing but the ruin of the soul" were truer than ever.

61. The two world wars had led to reflection on the consequences of scientific and technological developments, which were a two-edged sword. The mechanization of industry had improved working conditions a little, but had created unemployment. Computerization could lead to violations of the rights of the individual, but it was in the medical and biological fields that the dangers seemed to be the greatest. Legislation seemed constantly to lag behind new technology, affecting medically assisted reproduction in particular. Discoveries in genetic engineering risked leading to a form of eugenics, which already existed in the agricultural sector. Cloning animals and genetically altered products raised concerns among consumers who were already alarmed by the lamentable handling of the problem of bovine spongiform encephalopathy ("mad cow disease"). Monitoring and control mechanisms must be strengthened, along with activities related to bioethics, among others, if the extinction of the human race were to be averted.

62. The Commission should therefore insist on the use of reasonable methods for monitoring technological developments in order to avoid lapses. Scientific and technological progress was essential, but it was humanity that should remain the yardstick, particularly in the application of that progress.

63. The CHAIRMAN said that the Commission had concluded its general debate on agenda item 12.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

64. The CHAIRMAN, recalling that at the 59th meeting the delegation of Sri Lanka had asked whether the Commission's rules of procedure authorized a speaker to take the floor on behalf of two different NGOs, said that the secretariat had never authorized such a practice. As it was difficult to verify all the accreditations issued by NGOs, it was up to them to abide by the rules of procedure in good faith.

CONSIDERATION OF DRAFT RESOLUTIONS AND DRAFT DECISIONS UNDER AGENDA ITEMS 5 AND 8 (continued)

Draft decision on agenda item 5

Draft decision 4 recommended by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (Human rights and income distribution) (E/CN.4/1997/2-E/CN.4/Sub.2/1996/41)

65. Mr. VAN WULFFTEN PALTHE (Netherlands), speaking on behalf of the European Union, introduced a proposed amendment to draft decision 4 (E/CN.4/1997/L.104). The European Union attached great importance to follow-up to the World Summit for Social Development, which the Economic and Social Council had entrusted to the Commission for Social Development. That Commission had developed a global programme calling for the preparation, within the framework of special inter-agency teams, of appropriate indicators to ensure follow-up to the Summit. It was therefore up to the governing body of the Commission for Social Development and the Commission on Human Rights to decide who should deal with that important issue. He hoped that the proposal would be adopted without a vote.

66. The proposed amentment to draft decision 4 (E/CN.4/1997/L.104) was adopted without a vote.

67. Draft decision 4 recommended by the Sub-Commission, as amended by the proposal contained in document E/CN.4/1997/L.104, was adopted without a vote.

Draft resolution on agenda item 8

Draft resolution E/CN.4/1997/L.79 (Question of arbitrary detention)

68. Mr. BERNARD (France) introduced the draft resolution on arbitrary detention (E/CN.4/1997/L.79), stressing the importance of the work carried out by the Working Group on Arbitrary Detention. In 1996, the Group had transmitted 30 communications dealing with 205 new cases and had adopted 49 decisions concerning 262 persons in 24 countries. The draft resolution proposed the three-year renewal of the mandate of the Working Group, and made a number of comments aimed at making its action more effective and securing the full cooperation of Governments.

69. First of all, a balance had been sought between the demands arising from respect for the principle of national sovereignty and those deriving from respect for relevant international standards. The Group's continued examination of its own working methods had been stressed. The draft also stated, in the light of the principle of the independence of the judiciary, that the Working Group would no longer take any decisions but would henceforth give views. In order to put an end to difficulties in interpreting the term "detention", the generic expression "deprivation of liberty" had been retained.

70. The text should be harmonized by replacing the expression "arbitrary detention" with "arbitrary deprivation of liberty" in operative paragraph 2 (d). The sponsors hoped that, as in previous years, the draft resolution would be adopted without a vote.

71. Mr. ALFONSO MARTINEZ (Cuba), introducing the proposed amendment (E/CN.4/1997/L.99) to the draft text, explained why the Cuban delegation was proposing an amendment to a consensus text that had been prepared following broad consultations. He commended the spirit of openness and transparency shown by the French delegation. Following the negotiations, however, the Cuban delegation had become acquainted with the views of certain NGOs, who felt that the new mandate of the Working Group, defined in operative paragraph 15 of the draft resolution, could be construed as meaning that the Working Group had always been empowered to question the final decisions taken by domestic courts and certain substantive provisions of domestic law. In order to prevent any such divergence of interpretation, he therefore proposed adding a new preambular paragraph which would recall certain essential principles of jus cogens governing international legal relations. That proposal did not in the least change the sense of the text that had been agreed upon.

72. Mr. BERNARD (France), introducing the proposed sub-amendment (E/CN.4/1997/L.108), said that no member of the Commission had been intending to question the principle of State sovereignty. Nor was anyone contesting the Commission's right to concern itself with respect for and promotion of human rights and to that end to ensure the application of the relevant instruments, in particular the Universal Declaration of Human Rights. That was in fact referred to in almost all the resolutions adopted by the Commission, including in several paragraphs of draft resolution E/CN.4/1997/L.79. Under the circumstances, it was essential that the new preambular paragraph proposed by Cuba should be in accordance with the other provisions of the text. That was the purpose of his delegation's proposed sub-amendment.

73. Mrs. KLEIN (Secretary of the Commission) announced that Bulgaria and Ecuador had become co-sponsors of the draft resolution.

74. Mr. ZAHRAN (Egypt) wholeheartedly endorsed the idea expressed in the Cuban amendment that the provisions of national legislation giving effect to the international obligations undertaken by States were a matter of national sovereignty. However, since no one seemed to contest the validity of that notion, he invited the Cuban delegation to withdraw its proposed amendment so as to save the Commission time.

75. Mrs. GHOSE (India) and Mr. de ICAZA (Mexico) agreed with the views expressed by the representative of Egypt. The Cuban proposal, based on the erroneous interpretation of some NGOs, merely complicated the simple, unambiguous wording of paragraph 15 of the draft.

The meeting rose at 1.10 p.m.